



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/982,509 Confirmation No. 7211
Applicant : Thompson, David, et al
Filed : October 17, 2001
TC/A.U. : 2683
Examiner : Torres, Marcos L.
Docket No. : BRDC:036 (BYTE:036)
Customer No. : 29395

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"	
Date of Deposit December 22, 2004	
I hereby certify that this paper and any attachments are being deposited with the United States Postal Service in an envelope, postage paid, on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop - Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.	
<i>Carol Cao</i> Carol Cao	

Mail Stop - Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement of September 23, 2004:

ELECTION

Applicant hereby elects Group I, Claims 1-12, for further prosecution in the present

04/08/2005 TRIDICK 00000002 501350 09982509 application. This election is made without traverse, and in view of the Examiner's statements in

01 FC:2253 the Restriction Requirement that the inventions of the Groups are related as combination and subcombination and are distinct because (1) the combination as claimed does not require the

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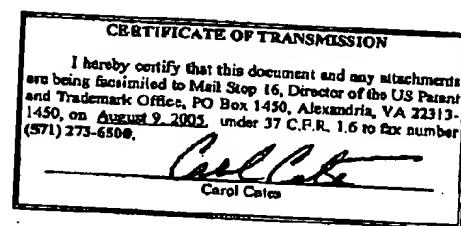
Adjustment Date: 10/21/2005 SDIRETA1 09982509
04/08/2005 TRIDICK 00000002 501350 510.00 CR
01 FC:2253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. : 09/982,509
Applicant : Thompson, David, et al
Filed : October 17, 2001
TC/A.U. : 2687
Examiner : Torres, Marcos L.
Docket No. : BRDC:036 (BYTE:036)
Customer No. : 29,395

Confirmation No. 7211 AUG 09 2005



Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND
TO DEPOSIT ACCOUNT NO. 50-1350

Sirs:

On September 23, 2004, Examiner Torres mailed a Restriction Requirement, which was received by our office on September 27, 2004 and replied to on December 22, 2004 (with a certificate of mailing by "First Class Mail"). Applicant filed a timely response to the Restriction Requirement and respectfully requests that a refund in the amount of \$510.00 be credited back to Deposit Account 50-1350.

Please note that Form PTOL-326 did not accompany Examiner Torres' Restriction Requirement (which was verified with Examiner Torres on July 7, 2005). Because the form was missing, Applicant was unaware that Examiner Torres had given us a shortened statutory period

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of one (1) month to reply to the Restriction Requirement. Instead, Applicant replied via First Class Mail on December 22, 2005, prior to the three (3) month deadline of December 23, 2005.

37 C.F.R. § 1.134 states that an Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Applicant considers their response timely filed and did not request an extension of time, nor does Applicant feel an extension of time was required in light of the papers received by Applicant from the PTO.

On April 8, 2005, the USPTO withdrew \$510.00 from Deposit Account 50-1350 for a three (3) month extension of time. Due to missing Form PTOL-326, the undersigned requests that the USPTO promptly refund \$510.00 back to the undersigned's deposit account, by credit to the account.

For your convenience, a copy of the Monthly Statement of Deposit Account for Account No. 50-1350 is attached. Also attached please find a copy of the original postmark and return postcard received by Applicant and a copy of the first page of Applicant's response to requirement, each showing that Applicant responded by proper deposit in the US mail by the applicable deadline.

The undersigned attorney for Applicant kindly requests a telephone call to discuss any issues, questions or comments.

Respectfully submitted,

Date: August 9, 2005

By: 
H. Dale Langley, Jr.
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr.
610 West Lynn
Austin, Texas 78703
Telephone: (512) 477-3830
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Aug 09 2005 3:28PM Von Kreisler & Swanson, P 512-478-4936



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P. 4

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

H DALE LANGLEY, P.C.
KATHY GILBERT
610 WEST LYNN
AUSTIN TX 78703

FIMA

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Page	1

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4 8 05	2	09982509	BRODC:036	2253	510.00	2064.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
MS0208 (B/2004)			2574.00	510.00	0.00	2064.00

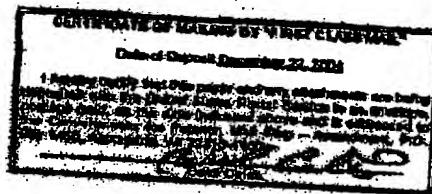
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Appl. No. : 09/982,569
Applicant : Thompson, David, et al
Filed : October 17, 2001
TC/A.U. : 2683
Examiner : Torres, Marcos L.
Docket No. : BRDC-036 (BYTE-036)
Customer No. : 29395

Confirmation No. 7211



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P. O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In response to the Restriction Requirement of September 23, 2004;

ELECTION

Applicant hereby elects Group I, Claims 1-12, for further prosecution in the present application. This election is made without traverse, and in view of the Examiner's statements in the Restriction Requirement that the inventions of the Groups are related as combination and subcombination and are distinct because (1) the combination as claimed does not require the

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191
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32056264 FROM AUSTIN, TX 78703

To:

THE LAW OFFICES OF H. DALE LANELEY, JR.
610 West Lynn
Arlington, Texas 76703

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ALEXANDRIA, VA 22313-1450

RE: BYTE:036

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p. 7

Mark Seng - Attorney
Comptroller of Patents
P. O. Box 1450
Washington, D.C. 20231-1450

Attorney Docket No.: ERD/C:036 (BYTE:036)

Attn: Mark Seng
Comptroller of Patents
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Washington, D.C. 20231-1450

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P. B. [Signature]

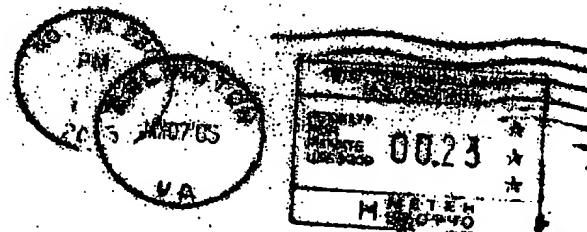
12/22/2004

Enclosed are the following items: (1) Transmittal Form (2) Amendment and Response to Restriction Request dated (3) Return Receipt. Please let me know if you have any questions or if the Patent Office has received your above-referenced transmittal.

Date of Deposit: December 22, 2004

Sent via First Class Mail

NOV/ERD - 12/22/2004



THE LAW FIRM OF
H. DALE LANGLEY, JR.
PROFESSIONAL CORPORATION
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The Law Firm of

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FACSIMILE TRANSMITTAL SHEET

TO:

Office of Finance - Refund Branch

FROM:

Deena Beasley
Law Office of H. Dale Langley

COMPANY:

USPTO

DATE:

August 9, 2005

FAX NUMBER:

(571) 273-~~13~~00

TOTAL NO. OF PAGES INCLUDING COVER

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PHONE NUMBER:

(571) 272-6500

SENDER'S REFERENCE NUMBER:

Docket No. BRDC:036 (BYTE:036)

SUBJECT:

**REQUEST FOR REFUND TO
DEPOSIT ACCOUNT NO. 50-1350**

YOUR REFERENCE NUMBER:

Patent Application No. 09/982,509

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

COMMENTS/REMARKS

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